

## ACT 90

S. B. NO. 801

A Bill for an Act Relating to Retirement Benefits.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 88-61 of the Hawaii Revised Statutes, as amended, is amended by adding a new subsection to read as follows:

“(c) The membership of an elective officer or judge in the system may be terminated upon election of the member to retire if made within six months after the date when the allowance for such member reaches 75 per cent of his average final compensation or within six months after the effective date of this act if the member has already reached such limitation and his right to receive the retirement allowance prescribed in section 88-74 after his future separation from service as provided in section 88-73 shall vest on the date of the election. Upon the date of the election, the member shall be entitled to receive the portion of the accumulated contributions, if any, which would be required to be returned to him under section 88-74 (3) (B) as if his retirement allowance had commenced on that date, and after the date of the election he shall not be allowed or required to make any future contributions. No judge shall serve after age 65 who makes an election under this subsection unless said judge is in office and age 65 or over on the date of the enactment of this subsection.”

SECTION 2. Section 88-73 of the Hawaii Revised Statutes, as amended, is amended by adding a new paragraph to read as follows:

“(4) for the purpose of computing or determining benefits for an elective officer or judge, or any beneficiary of either, the date upon which he elected to retire, as provided by section 88-61 (c), after attaining an allowance of 75 per cent of his average final compensation shall be used as the effective date of retirement; provided that the elective officer or judge may continue in active service, but he shall not receive a retirement allowance until he leaves active service; however, upon his leaving active service he shall receive the retirement allowance provided for in section 88-74, together with the post retirement allowances provided for in section 88-90 which post retirement allowances shall be computed from the date of the election as though he had left active service on that day.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 24, 1971.)

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\* Edited accordingly.